

**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554**

In the Matter of	)	
	)	
Children’s Television Programming Rules	)	MB Docket No. 18-202
	)	
Modernization of Media Regulation	)	
Initiative	)	

**REPLY COMMENTS OF THE  
NATIONAL HISPANIC MEDIA COALITION**

**INTRODUCTION**

The National Hispanic Media Coalition (“NHMC”)<sup>1</sup> respectfully submit(s) these reply comments in response to the Federal Communications Commission’s (“FCC” or “Commission”) Notice of Proposed Rulemaking (“NPRM”)<sup>2</sup> in the above captioned proceeding. NHMC urges the Commission to press pause on this proceeding, collect the requisite data, and conduct the analysis required under the Administrative Procedure Act to support any proposals that relax the children’s programming rules. Neither the NPRM nor the comments filed in the record meaningfully evaluate the potential unintended effects of deregulation. This proceeding should be delayed until further study can ensure that already underserved and disadvantaged minority, low-income, and rural children are not deprived of widely accessible educational and informational (“E/I”) programming.

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<sup>1</sup> The National Hispanic Media Coalition is the media watchdog for the Latino community who, among other ventures, works to open new opportunities for Latinos to consume programming that is inclusive, free from bias, affordable, and culturally relevant.

<sup>2</sup> *Children’s Television Programming Rules; Modernization of Media Regulation Initiative*, MB Docket No. 18-202, Notice of Proposed Rulemaking, FCC 18-93 (July 13, 2018) (*NPRM*).

While technology has drastically changed the media marketplace, the current rules are the only educational guardrails for children's educational programming in any media, regardless of technology. And developments in new technology should not undermine educational goals for our children. In reviewing these rules, the Commission should take *all* American children into consideration, including those in low-income households without paid-television alternatives and those without access to broadband platforms. Children in these households still rely heavily on free educational programming. If the current programming standards and reporting requirements are dismantled, as proposed, quality educational content will eventually disappear from our public airwaves.

The NPRM accommodates the wishes of broadcasters without exploring the impact on children who may not be able to access costly alternatives in the new media landscape. Notably, those children who have the most at stake will shoulder the heaviest burden from any deregulation of educational programming. The Commission's proposals are riddled with hasty conclusions, many of which are neither supported by the FCC nor the record. For example,

- It would no longer necessary to require more than three hours per week of E/I programming, yet no substantive data has been provided in the record to analyze the impact of this change;
- Non-broadcast sources provide ample E/I programming, however, the record overlooks the hundreds of thousands of children who reside in households without access to paid-television or broadband alternatives;
- Three hours of core programming need not be available on a station's primary channel. To date, there has been no attempt in the record to quantify the impact of this change;
- Children's E/I programming need not be regularly scheduled to count toward the guidelines. Nothing in the record explains how parents and children will be able to find programming that is not regularly scheduled;

- Programming no longer needs to be full length (30 minutes) to qualify as core programming. Noticeably, no credible scientific research is provided to support the new conclusion or debunk the expert analysis in the 1996 Order;
- Public broadcasters should be able to eliminate the requirement to display the E/I icon on programs designed to educate children, providing broadcasters with new opportunities to profit from the public airwaves without any additional benefit to the children who rely on their programming; and
- The quarterly children’s television reports and Form 398 serve no useful purpose even though no conclusive evidence is cited by commenters and these reports are vital tools to hold broadcasters accountable.

The current core programming rules and reporting requirements were designed to ensure that quality children’s E/I programming is available to all of the nation’s children and their families. While the NPRM contends that the current rules are overly burdensome on broadcasters, having to comply with minimal educational programming requirements is a reasonable bargain and essential some of the nation’s most vulnerable citizens. Relaxing how and when this programming is provided and reported will only decrease the reach and quality of meaningful children’s E/I programming on broadcast television.

## **I. THE FCC’S CURRENT CHILDREN’S PROGRAMMING RULES ARE A BOON, NOT A BURDEN, FOR BROADCASTERS**

The NPRM operates alongside the broadcasters’ persistent narrative that the current rules are a significant “burden” that implicitly outweighs the educational return for America’s children.<sup>3</sup> But the Children’s Television Act (“CTA”) mandated requirements and the 1996 Order’s rules requiring the provision of minimal E/I programming are dwarfed by how broadcasters have been enriched by using public airwaves for free. The NPRM fails to mention that broadcasters in this country have been using upwards of a trillion dollars’ worth of public

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<sup>3</sup> See *NPRM* at 2, 14.

airwaves for free since 1934.<sup>4</sup> Broadcast providers dedicate a mere 1.78% of prime viewing hours towards valuable programming for American children.<sup>5</sup> Even by the highest financial and fiduciary standards, the modest children's programming requirement looks like a revenue boondoggle, not a burden. The FCC's multiple criticisms and various inconsistent statistics offered to justify cutting children's programming, disguise the truth of the matter. Unintentional or by design, broadcasters would prefer to profit at the expense of educating American children, a stakeholder lacking adequate representation in this proceeding.<sup>6</sup>

For example, broadcasters have stated that they would rather generate thousands more in advertising revenue than provide programming dedicated to enriching American children.<sup>7</sup> This is not the first time this has happened, and it will not be the last because the free market is motivated by profit not public service. The historical record supports the fact that children cannot rely on free market forces to advance their educational interests. Broadcasters will not provide consistent and quality E/I programming for children in the absence of established and concrete guidelines.<sup>8</sup> Broadcasters complain that the current children's television rules do not provide the flexibility needed to invest in content that is responsive to viewers in the current media

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<sup>4</sup> See *Nat'l Broad. Co. v United States*, 319 U.S. 190 (1943); see also Patt Morrison, *The Broadcast TV Networks Want to Dumb Down Kids' Programming — and the FCC Might Let Them do it*, THE LA TIMES (Aug. 2018), <http://www.latimes.com/opinion/op-ed/la-ol-patt-morrison-dale-kunkel-fcc-tv-20180808-htmstory.html#>.

<sup>5</sup> Three hours per week / (24 hours a day \* seven days per week) = three / 168 = 1.78%

<sup>6</sup> Fewer than a handful of children's advocate organizations responded during the 30-days allotted to comment on the NPRM.

<sup>7</sup> See Block Communications, Inc. Comments at 4-5 (stating that if they had 3 extra hours of non-children's educational programming per week they could generate up to \$35,000 extra in revenue per month and that children's programming generates very little or no ad revenue) (*Block Comments*).

<sup>8</sup> See H. Rep. 385, 101st Cong., 1st Sess. 6 (1989); see also *Policies and Rules Concerning Children's Television Programming*, MM Docket No. 93-48, Report and Order, 11 FCC Rcd 10660 (1996) (concluding that stations' airing of only 2 hours of E/I programming per week after 6 years of implementing the CTA failed the CTA's long-term goals, especially when many stations aired less than 2 hours per week) (*1996 Order*); *Center for Digital Democracy et al. Comments* at 12-13 ("We can look at history to see that the broadcasters offer insufficient children's programming when given the option to do so"); Litton Entertainment Comments at 11 (proclaiming broadcasters will "cut corners, cut quality, and cut the quantity of E/I programming" if they do not have "firm rules governing the amount of hours [they] are required to air").

marketplace.<sup>9</sup> However, broadcasters have never prioritized children's programming over revenue: under their own code,<sup>10</sup> under the FCC's 1960 policy statement<sup>11</sup>, under the CTA<sup>12</sup>, and even before and after the 1996 Order.<sup>13</sup> Despite Congress's initial assumption that industry market forces would naturally increase the amount of quality E/I programming, it has been never been effective.<sup>14</sup> For these reasons, the FCC was compelled in 1996 to adopt the minimal formal requirements under attack in this NPRM to ensure broadcasters would air E/I programming to

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<sup>9</sup> See National Association of Broadcasters Comments at 12-13; see also NCTA Comments at 1; *contra* Litton Entertainment Comments at 11 (stating that it is a fallacy to believe that more flexibility will yield a return to the glory years of *Schoolhouse Rock* and like programs) (*NAB Comments*).

<sup>10</sup> The NAB, had its own voluntary code, *The Code of Practices for Television Broadcasters*, for programing standards. This occasioned the FCC to issue a new and stronger code in 1946, to encourage stations to actually air public interest programming. See FEDERAL COMMUNICATIONS COMMISSION, PUBLIC SERVICE RESPONSIBILITY OF BROADCAST LICENSEES (TELECOMMUNICATIONS) 1st ed. (1946) (encouraging stations to air programming of local interest and that stimulated public discussion i.e., children's programing, but leaving the implementation up to broadcasters. The bluebook also states that "American broadcasters have always recognized that broadcasting is not merely a means of entertainment, but also for the discussion of public issues and dissemination of news, information, and opinions).

<sup>11</sup> The public interest standard did not explicitly mention the needs of children until 1960, when the FCC's *Program Policy Statement* cited children's programming as one of the fourteen components "usually necessary to meet the public interest, needs and desires of the community." *Children's Television Report and Policy Statement*, 8 50 FCC 2d 1, 5 (1974), *aff'd*, *Action for Children's Television v. FCC*, 564 F.2d 458 (D.C. Cir. 1977) (*1974 Policy Statement*) (requiring only meaningful efforts by broadcasters to provide programs for children.); Federal Communications Commission, *Television Programming for Children, A Report of the Children's Task Force*, Vol. 1, at 3 (1979) ("The Task Force concluded that licensees aired an average of 2.6 hours of "instructional" programming in a composite week... and broadcasters failed to ensure that television programming was responsive to the needs and interests of children").

<sup>12</sup> *1996 Order* at 2 ("the CTA broadly defined the scope of a broadcaster's obligations" so as to grant them versatility in compliance efforts); *id.* at 14 ("some broadcasters were providing very limited amount of programming specifically designed to educate and inform children"); see generally 47 U.S.C. § 303a (1990).

<sup>13</sup> *1996 Order* at 4 ("the regulations are appropriately tailored to provide flexibility for broadcasters"); *id.* at 20 ("The conclusion that some stations are airing ver little educational programming for children is also supported by our experience in implementing the CTA"); *id.* at 22 ("six years after the enactment of the CTA, some broadcasters are providing less than an average of two hours per week of educational programming"); *id.* at Appendix A (laying out the regulatory flexibility analysis for the order); see also *Center for Digital Democracy et al. Comments* at 11-13 ("When the FCC adopted rules in implementing the CTA, it afforded broadcasters a great deal of flexibility" that they have not taken full advantage of).

<sup>14</sup> *1996 Order* at 8, 15-17 (stating that while Congress expected the industry to take steps to increase the amount of educational and information programming for children, broadcasters have little economic incentive to provide such programming and in fact, broadcasters provided a very limited amount of qualifying children's educational programming); *id.* at 16 (explaining that broadcasters prefer other types of programs that generate larger revenues); see also *Center for Digital Democracy et al. Comments* at 11 (illustrating a Center for Media Education and IPR review which found that of 58 television stations in 15 metropolitan area, most were *not* making serious efforts to adequately serve the E/I needs of children or providing required information to the FCC. Moreover, many attempted to pass off cartoons such as *Casper* and *GI Joe* as educational).

benefit our children.<sup>15</sup> By broadcasters' own logic it makes sense to keep the current regulations if the goal is to "invest in the viewers the CTA was intended to benefit," the American children.<sup>16</sup>

As broadcasters search for additional advertising revenues, strive to increase their audiences, and brainstorm ways to strengthen their business models, children become an easy target. Replacing the mere three hours of children's E/I programming a week is literally like taking candy from a baby because the children and families with the most to lose cannot speak for themselves in this proceeding. On behalf of those families, NHMC implores the Commission to reevaluate the current proposals and maintain already minimal requirements for educational programming.

## **II. CHANGES IN THE MEDIA LANDSCAPE DO NOT JUSTIFY THE PROPOSED RULE CHANGES**

Technology may have changed the media marketplace, but changes in the media landscape do not warrant relaxing the current rules. The record in this proceeding is chock full of iterations of the same argument: drastic changes in the media landscape, such as the increase in broadcast alternatives, warrant deregulation of the children's television rules.<sup>17</sup> However, Congress has expressly stated "an increase in the number of non-broadcast outlets for children to receive video programming does not obviate the public interest responsibility of individual broadcast licensees to serve the child audience."<sup>18</sup> Any dismantling of these rules based on the development of cable, internet, and other emerging services as broadcast alternatives is contrary to the wishes of Congress and should not be considered in this proceeding.

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<sup>15</sup> *See 1996 Order.*

<sup>16</sup> *NAB Comments* at 12.

<sup>17</sup> *See NPRM; see also NAB Comments* at 3; *NCTA Comments* at 3; *Gray Comments* at 5; *Cadillac Telecasting Company Comments* at 6 (*Cadillac Comments*); *Network Commenters Comments* at 2-3; *Nexstar Broadcasting, Inc. Comments* at 2 (*Nextar Comments*); *Block Comments* at 1.

<sup>18</sup> H. Rep. 385, 101st Cong., 1st Sess. 6 (1989); *see also 1996 Order.*

Despite advances in technology, all Americans, even those from disadvantaged households, have access to broadcast media. Broadcast reliant households remain a significant number that should not be overlooked. NHMC agrees with other commenters noting that, “[w]hile it is true that television watching is shifting, broadcast television remains the most common platform used by American audiences.”<sup>19</sup> By its very definition, broadcast media is accessible to all and 13% of all American households rely on over the air television exclusively.<sup>20</sup> In addition, the number of American households that rely on over the air broadcast is now actually on the rise.<sup>21</sup> As more Americans are cutting the cable cord, this number will only continue to grow. Broadcast television has and will remain a uniquely pervasive and important media source despite developments in the media landscape.

The number of children who would be affected by the proposed rule changes also remains inconclusive at best. The NPRM proposes drastic relaxation of these rules without adequate data on the number of children potentially affected. NAB contends that 582,000 households with approximately 962,000 children rely on broadcasting alone for, their video programming,<sup>22</sup> but Common Sense Kids Action’s (“Common Sense”) own studies, demonstrate that more than six million households lack access to cable or high-speed internet.<sup>23</sup> Reliable and adequate broadband is required for all the broadcast alternatives cited as the basis for eliminating the existing requirements. Moreover, none of these estimates account for the many households

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<sup>19</sup> Institute for the Study of Knowledge Management in Education, ProjectEd, EvolvED, and Explorer at Large Comments (*ISKME Comments*) at 7; *see also* Common Sense Kids Action Comments at 2 (“even among children who have access to other content sources, television remains the dominant form of screen media in their lives. Almost half of households that owned streaming devices only watched traditional television in an average day, reflecting broadcast television’s continued prominence”) (*Common Sense Comments*); Litton Entertainment Comments at 8 (establishing that millions of people watch E/I programming and clarifying that opposing arguments claiming E/I viewership is decreasing fail to consider children viewers of all age groups governed by the CTA).

<sup>20</sup> Nielsen, *Nielsen Total Audience Report Q1 2018* at 11.

<sup>21</sup> *ISKME Comments* at 6.

<sup>22</sup> *NAB Comments* at 7.

<sup>23</sup> *Common Sense Comments* at 2.

that have limited access to these broadcast alternatives, including households lacking adequate broadband speeds, lacking the funds required to access subscription services, and even lacking the digital literacy required to take advantage of them. Many rural households also do not have access to reliable broadband and are unable to access broadcast alternatives.

By the Commission's own estimates, "nearly 30 million Americans cannot reap the benefits of the digital age", meaning they lack meaningful access to broadcast alternatives.<sup>24</sup> Since the actual number is clearly contested, it would be irresponsible for the FCC to proceed with the proposed rule changes. NHMC urges the Commission to initiate a study to determine the actual number of children and families who would have either no access or insufficient access to broadcast alternatives for E/I programming.

In addition, none of the commenters supporting the NPRM's rule changes have chosen to address the effects of the proposals on low income and minority households. NHMC agrees with other commenters that "broadcast television is a great equalizer for lower income households and children who have limited access to other platforms and broadband Internet access."<sup>25</sup> The record shows that minority and low-income households are more likely than others to rely on broadcast media.<sup>26</sup> Relaxing E/I programming requirements will essentially rob these children of quality educational programming.

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<sup>24</sup> FCC, *Bridging the Digital Divide*, <https://www.fcc.gov/about-fcc/fcc-initiatives/bridging-digital-divide-all-americans> (last visited Sept. 23, 2018).

<sup>25</sup> *ISKME Comments* at 13.

<sup>26</sup> America's Public Television Stations et al. Comments at 4 ("African-American, Hispanic, and low-income households make up a larger percentage of the PBS KIDS audience as compared to their representation in the U.S. population.") (*PTV Comments*); see also *Common Sense Comments* at 2, 9 (noting that minority households disproportionately lack cable television and high-speed internet and that "children from low-income consume more television than their peers"); Center for Digital Democracy, Campaign for a Commercial-Free Childhood, and the Benton Foundation Comments at 17-22 (demonstrating that low income households often cannot afford broadcast alternatives) (*Center for Digital Democracy et al. Comments*); *Nielsen Total Audience Report Q1 2018* at 11 (showing that minority populations rely more on over the air media).



Also absent from the record is any support that non-broadcast media alternatives provide quality children's educational content. While those advocating for the proposed rule changes generally support the NPRM because of the increased use of broadcast alternatives,<sup>27</sup> they have failed to demonstrate that these alternatives are a meaningful educational substitute for E/I programs on television. As Common Sense explains, "the offerings the FCC offers as substitutes are not in fact educational or informational programming for children."<sup>28</sup> Even for those families who can access the broadcast alternatives, these unregulated and highly commercial offerings should not be used as justification for relaxing the existing children's educational programming requirements.<sup>29</sup>

### **III. THE PROPOSED CHANGES WILL DECIMATE THE REACH AND QUALITY OF CHILDREN'S E/I PROGRAMMING**

The NPRM proposals jeopardize the future of American children by potentially curbing the reach and quality of E/I programming.<sup>30</sup> According to Litton Entertainment, a prominent E/I content producer, if the proposed rule changes are accepted, it would virtually eliminate the production of new, high quality children's E/I programming.<sup>31</sup> Additionally, eliminating the

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<sup>27</sup> See *NAB Comments* at 3 ("[T]he video marketplace reflected in the FCC's rules no longer exists . . . The existing children's TV rules are now the proverbial square peg in a round video marketplace."); *NCTA Comments* at 3 ("Recent technological and marketplace developments have ushered in significant changes in how families and children access and view video programming content."); *Network Commenters Comments* at 2 ("The children's programming boom has been accompanied by a correspondingly steep decline in children's viewing of linear broadcast television and a shift to other media platforms."); see also *Gray Comments* at 5; *Cadillac Comments* at 6; *Nexstar Comments* at 2; *Block Comments* at 1.

<sup>28</sup> *Common Sense Comments* at 9; see also Litton Entertainment Comments at 12 (pointing out that non-broadcast media may also "label whatever they want as 'educational'").

<sup>29</sup> See *Common Sense Comments* at 9-11 (noting that internet media does not have to comply with decency rules or advertising limits and often enrages parents, advocates, and Congress); see also *Center for Digital Democracy et al. Comments* at 17 ("While the Commission suggests 'Over-The-Top' (OTT) options like Netflix, Amazon, and Hulu streaming packages or online services like YouTube are interchangeable with educational programming offered by broadcasters, it ignores that the kids' offerings of these companies need not meet any educational standard, and often don't").

<sup>30</sup> See e.g., *Center for Digital Democracy et al. Comments* at 10 (indicating that "eliminating the multicast programming guideline could and probably would result in the loss of 16,500 hours of core programming").

<sup>31</sup> Litton Entertainment Comments at 13-14 (reiterating that Litton's observations are based on its own experiences rather than a theoretical construct).

requirements that children's E/I programming be regularly scheduled and display the "E/I" identifier would feed into the destruction of the children's E/I programming market by making it harder for children and parents to find and rely on quality E/I programming.<sup>32</sup> Common Sense explicitly cautioned against the development of a children's programming market that passes off merely entertaining programming as E/I programming, thereby destroying the market for real E/I programming.<sup>33</sup>

NHMC agrees that children deserve authentic E/I programming developed by experts and educators, not outdated reruns aired on desolate multicast streams.<sup>34</sup> Accepting the Commission's proposal to eliminate the "E/I" identifier without any research is a clear departure from the objective, scientific analysis required to evaluate the quality of E/I programming.<sup>35</sup>

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<sup>32</sup> See *Common Sense Comments* at 6-7 (arguing "data shows that children learn better with regular, repeated content" and removing the regularly scheduled requirement could decrease viewership of E/I programming as such programs would become more difficult to find, "especially when combined with the proposed changes in reporting and publication requirements"); *Center for Digital Democracy et al. Comments* at 15 (questioning how children and parents will be able to find E/I programming if they are not regularly scheduled or lack the "E/I" identifying logo).

<sup>33</sup> Compare *Common Sense Comments* at 10 (reiterating that Core Programming must be for children and primarily educational given broadcasters' historic tendency to shirk the educational component), with *NCTA Comments* at 5 (referring repeatedly to quality children's programming without clear acknowledgement that quality refers to the programming's educational content).

<sup>34</sup> See *Litton Entertainment Comment* at 16-17 (describing the "ever-aging library of reruns" that "would become the norm" by banishing children's E/I programming to multicast streams); see also *American Forces Network Broadcast Center Comment* (praising the quality of Litton Entertainment programming and dreading a change from this NPRM that could decrease the availability of such programming).

<sup>35</sup> Philip J. Guo, et al., *How Video Production Affects Student Engagement: An Empirical Study of MOOC Videos*, at 9 (2014) available at <http://up.csail.mit.edu/other-pubs/las2014-pguo-engagement.pdf> (stating also that the study's subjects might not be representative of the general online video watching population and that the study's proxies "might not be representative of true engagement"); *NAB Comments* at 15-16 (providing Guo's study as the only direct evidence in support of their argument against the 30-minute length requirement); *NPRM* at 11 (citing NAB's Comments and, inexplicably, a personal blog to justify the tentative conclusion to depart from the 30 minute length requirement); see also *Behavior Management Important Facts*, The Student Coalition for Action in Literacy Education, available at <http://www.unc.edu/depts/scale/Member/trainings/BehaviorManagement-ImportantFacts.pdf> (proclaiming without evidence or scientific backing that tutors may estimate a child's attention span using the formula: "Attention span for learning = chronological age + 1"); David Vawter, *Mining the Middle School Mind*, National Association of Elementary School Principals, at 2 (March 2009), available at [https://www.naesp.org/sites/default/files/resources/2/Middle\\_Matters/2009/MM2009v17n4a2.pdf](https://www.naesp.org/sites/default/files/resources/2/Middle_Matters/2009/MM2009v17n4a2.pdf) ("It is not how long that a student studies, but how many times the synapse pattern is accessed," which suggests that a 30 minute program could be more effective than interstitial programming by providing more opportunities for the desired synapse pattern to be accessed); *Litton Entertainment Comments* at 27 (noting that the current record lacks ample scientific evidence to outweigh the substantial studies done prior to the 1996 Order, yet doubting the impact of interstitial programming, even if allowed, due to the lack of a market for interstitial programming).

Moreover, children from minority, rural, and low-income communities disproportionately bear the weight of any decrease in the reach or quality of children's E/I programming.<sup>36</sup> This disadvantage applies even when the children have access to broadcast alternatives.<sup>37</sup> For example, as Common Sense points out, smaller markets suffer from a scarcity of multicast channels, which increases the relative importance of every Core Programming hour.<sup>38</sup> As these smaller markets are often comprised of minority, rural, or low-income children, broadcasters have clear incentives to devote resources to the largest, highest spending populations; the majority, the urban, and the well off. Every hour of E/I programming switched to multicast channels risks another hour lost to a multicast station not provided to disadvantaged children in the smaller market. Furthermore, the NPRM's negative effects would also extend to children with disabilities via the dramatic reduction in closed captioning for E/I programming.<sup>39</sup> The record lacks sufficient consideration of these underserved and disadvantaged groups.

Ultimately, the Commission should consider whether its proposals increase or enhance broadcasters' ability to better serve all children, especially those currently left behind in the proposals. As Litton stated, the Commission should determine, "what's in this for children? Because it is the 'Children's Television Act' after all."<sup>40</sup> Allowing broadcasters to shift the costs

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<sup>36</sup> See generally *ISKME Comments* at 5-6 (showcasing two recent studies showing that media has the potential to be a powerful driver of social outcomes and that Sesame Street is a cheap way to prepare children for entering education, especially for disadvantaged children).

<sup>37</sup> Common Sense Comments at 5-6.

<sup>38</sup> *Id.* at 4-5 (contrasting the stark differences in viewership between the New York Designated Market Area and the Charleston Designated Market Area).

<sup>39</sup> See generally Litton Entertainment Comments at 18-25; see also Morton Ann Gernsbacher, *Video Captions Benefit Everyone*, Policy Insights From the Behavioral and Brain Sciences, 2(1), 195-202 (Oct. 2015), available at <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC5214590/pdf/nihms839470.pdf> (establishing that video captions "can improve children's reading skills, boost adolescents' written and spoken vocabulary, increase college students' attention to lectures, enhance second-language learners' pronunciation, and raise literacy rates in developing countries") (citations omitted); Elisa Edelberg, *Closed Captions Improve Literacy in Children*, 3Play Media (August 28, 2017), available at <https://www.3playmedia.com/2017/08/28/closed-captions-improve-literacy-children/> (compiling and summarizing several research studies that "have found that closed captioning on videos improves literacy" for all children).

<sup>40</sup> Litton Entertainment Comments at 2.

and burden to the children and families least able to pay for them is not in the best interests of the nation or its children.

### **CONCLUSION**

The Commission should abandon its current proposals because the record lacks sufficient justification, in both data and analysis. It also fails to analyze the potential deleterious effects on the most vulnerable families and children. Again, NHMC recommends that the Commission press pause on this proceeding and continue its work to ensure that all children, including those from marginalized, low-income, and rural populations, are able to access and enjoy free, over-the-air, educational, and informational programming.

Respectfully Submitted,

/s/ \_\_\_\_\_

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